

September 10, 1954

George F. Nelson, Esq.,
Assistant Attorney General

Attorney General

Amendments of Authorized Capital
Stock of Insurance Companies

Enoch D. Fuller, Secretary of State

Dear Sir:

You advise that it is claimed by certain insurance companies that Revised Laws, c. 323, s. 57, as inserted by Laws of 1945, c. 71, relieves them of the obligation of paying statutory fee to the Secretary of State for charter amendment.

Said s. 57 relates only to franchise fees and fees for filing with the Insurance Commissioner.

By s. 1 of said chapter, insurance corporations with capital stock are formed pursuant to the provisions of R.L. c. 274 and mutual companies under c. 272. By s. 10 of c. 322 corporations organized under the provisions of c. 322 are subject to all the provisions of the law relating to corporations not inconsistent therewith. R.L. c. 274, s. 104, illustrates the sense of R.L. c. 323, s. 57 as inserted by Laws of 1945, c. 71.

The provisions of R.L. c. 274, ss. 112 and 113, are not inconsistent with the statute relied on by these companies, are applicable to those companies organized under c. 274, and the fees for recording by the Secretary of State are required to be paid by such companies in accordance with their authorized capital stock.

The provisions of R.L. c. 272, s. 5 as amended by Laws of 1949, c. 265, s. 1 apply to amendments of authorized capital stock of corporations organized under c. 272. The effect of s. 9 of c. 322 is merely to change the places of filing from those specified in s. 6 of c. 272 to those specified in s. 6 of c. 322.

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As to companies formed under special legislative charter prior to 1919, s. 121 of c. 274 makes such companies subject to R.L. 274, s. 113.

Very truly yours,

George F. Nelson
Assistant Attorney General

GPN:HP

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1954

Sept. 10

Dr. Earl K. Holt, Superintendent,
New Hampshire State Hospital
Concord, New Hampshire

Re: Commitment certificate of
osteopathic physicians

Dear Dr. Holt:

In reply to your request for a ruling as to whether an osteopathic physician can legally execute a commitment form for hospitalization under the provisions of R.L. c. 17, ss. 11 and 18, I advise as follows:

Said s. 18 requires that the physicians making examination shall be "legally registered to practice medicine" in this State. Osteopathic physicians duly registered are so qualified. Accordingly, osteopathic physicians meet the requirements of said s. 18.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN:HP